

1 Alycia A. Degen, SBN 211350  
 adegens@sidley.com  
 2 Bradley J. Dugan, SBN 271870  
 bdugan@sidley.com  
 3 SIDLEY AUSTIN LLP  
 555 West Fifth Street, Suite 4000  
 4 Los Angeles, California 90013  
 Telephone: +1 213 896-6000  
 5 Facsimile: +1 213 896-6600

6 Attorneys for Defendants and Specially  
 Appearing Defendants *Bayer Corporation,*  
 7 *Bayer Essure Inc., Bayer HealthCare LLC,*  
*Bayer HealthCare Pharmaceuticals Inc.*  
 8

9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 ELIZABETH ANN SANGIMINO, *et al.*,

12  
 13 Plaintiffs,

14 vs.

15 BAYER CORP.; BAYER HEALTHCARE  
 16 LLC; BAYER ESSURE INC., (F/K/A  
 CONCEPTUS, INC.); BAYER HEALTHCARE  
 17 PHARMACEUTICALS, INC.; and DOES 1-10,  
 inclusive,

18  
 19 Defendants.  
 20  
 21  
 22

) Case No. 3:17-cv-01488-WHA  
 ) Order re:  
 ) **JOINT STIPULATION RE:**  
 ) **BRIEFING SCHEDULES ON**  
 ) **DEFENDANTS' MOTION TO**  
 ) **DISMISS AND PLAINTIFFS'**  
 ) **MOTION TO REMAND**

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 28  
 Order re:

JOINT STIPULATION RE: BRIEFING SCHEDULES; CASE NO. 3:17-cv-01488-WHA

1 Plaintiffs Elizabeth Ann Sangimino, *et al.*, and defendants and specially-appearing  
2 defendants Bayer Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare  
3 Pharmaceuticals Inc. (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their complaint on February 16, 2017, in the Superior Court for the  
5 State of California, County of Contra Costa.

6 2. On March 20, 2017, Bayer removed the matter from the Contra Costa County  
7 Superior Court to the United States District Court for the Northern District of California. [Dkt. No.  
8 1]. The matter was assigned to the Honorable Phyllis J. Hamilton.

9 3. Bayer filed its Motion to Dismiss on March 27, 2017, on the grounds of federal  
10 preemption, among other grounds. [Dkt. No. 12]. The Motion to Dismiss was originally scheduled  
11 for hearing on May 10, 2017.

12 4. On March 30, 2017, this action was transferred to this Court pursuant to the Court’s  
13 Order Relating Cases. [Dkt. No. 16]. In its Order Relating Cases, the Court instructed Bayer to re-  
14 notice its Motion to Dismiss for hearing. [*Id.*].

15 5. On March 31, 2017, Plaintiffs filed their Motion to Remand and Motion to Stay  
16 Proceedings Pending Ruling on Motion to Remand. [Dkt. Nos. 18 & 19]. On that same day, the  
17 Court scheduled the Initial Case Management Conference for May 11, 2017. [Dkt. No. 20].

18 6. The Court denied the Motion to Stay on April 3, 2017, on the grounds that “[t]he  
19 issues in defendants’ motion to dismiss are closely related to their alleged basis for removal, and the  
20 Court will benefit from reviewing the briefing on both motions before ruling on either one, if not  
21 hearing argument on both simultaneously.” [Dkt. No. 21 at 1:19-22].

22 7. In light of the Court’s April 3 order, the parties have met and conferred and, to  
23 accommodate the Court’s April 3 Order and the schedules of the parties, agree and ask the Court to  
24 enter the following briefing and hearing schedule on Bayer’s Motion to Dismiss and Plaintiffs’  
25 Motion to Remand:

- 26 • **April 28, 2017:** Bayer’s deadline to respond to Plaintiffs’ Motion to Remand;
- 27 Plaintiffs’ deadline to respond to Bayer’s Motion to Dismiss;
- 28

- **May 12, 2017:** Bayer's deadline to file a reply in support of the Motion to Dismiss; Plaintiffs' deadline to file a reply in support of the Motion to Remand;
- **June 8, 2017:** Hearing on Motion to Dismiss and Motion to Remand.

8. The parties additionally agree that it would be in the interest of judicial economy to continue the Initial Case Management Conference scheduled for May 11, 2017 to June 8, 2017, or to a date thereafter that would permit the parties to accommodate the Court's rulings on the Motion to Remand and Motion to Dismiss.

IT IS SO STIPULATED.

Dated: April 7, 2017

SIDLEY AUSTIN LLP

By: /s/ Alycia A. Degen

Alycia A. Degen

Bradley J. Dugan

*Attorneys for Defendants and Specially  
Appearing Defendants*

Bayer Corporation, Bayer HealthCare LLC,  
Bayer Essure Inc., and Bayer HealthCare  
Pharmaceuticals Inc.

Dated: April 7, 2017

MOTLEY RICE, LLC

By: /s/ Breanne V. Cope

Breanne V. Cope

*Attorneys for Plaintiffs*

Elizabeth Ann Sangimino, *et al.*

**Filer's Attestation:** Pursuant to Local Rule 5-1(i)(3), regarding signatures, Alycia A. Degen hereby attests that concurrence in the filing of this document has been obtained from counsel for Plaintiffs.

Dated: April 6, 2017

By: /s/ Alycia A. Degen

Alycia A. Degen

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS  
ORDERED THAT:

- a. Plaintiffs shall file their response to the Motion to Dismiss, and Bayer shall file its response to the Motion to Remand, on or before April 28, 2017.
- b. Plaintiffs shall file their reply in support of the Motion to Remand, and Bayer shall file its reply in support of its Motion to Dismiss, on or before May 12, 2017.
- c. The hearings on the Motion to Dismiss and Motion to Remand are scheduled for June 8, 2017, at 8:00 a.m.
- d. The Initial Case Management Conference is continued to June 8, 2017 at 8:00 a.m., and the parties shall file their joint case management statement on or before June 1, 2017.

Dated: April 12, 2017

  
Honorable William H. Alsup

Order re: